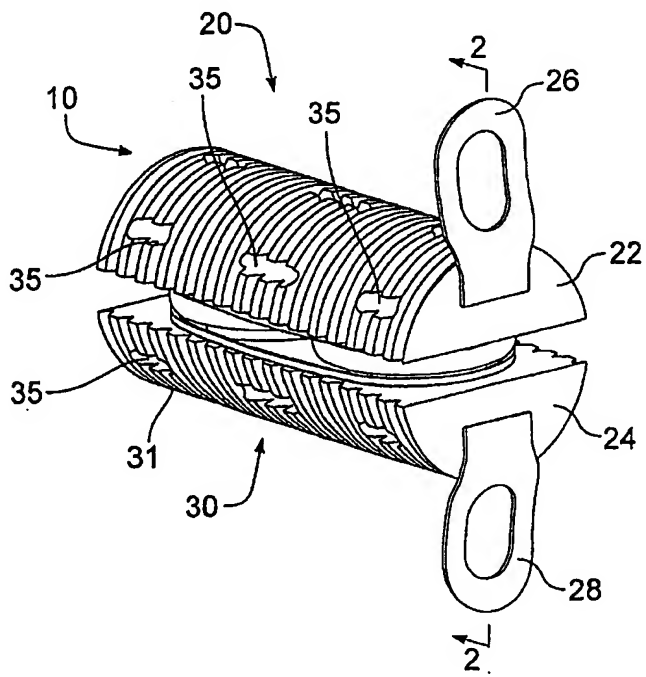




## INTERNATIONAL APPLICATION PUBLISHED UNDER THE PATENT COOPERATION TREATY (PCT)

<p>(51) International Patent Classification <sup>6</sup> : <b>A61F 2/44</b></p>	<p><b>A1</b></p>	<p>(11) International Publication Number: <b>WO 00/04851</b></p> <p>(43) International Publication Date: 3 February 2000 (03.02.00)</p>
<p>(21) International Application Number: PCT/US99/16648</p> <p>(22) International Filing Date: 22 July 1999 (22.07.99)</p> <p>(30) Priority Data: 60/093,654 22 July 1998 (22.07.98) US</p> <p>(71) Applicant (for all designated States except US): SPINAL DYNAMICS CORPORATION [US/US]; Suite 110, 9655 SE 36th Street, Mercer Island, WA 98040-3732 (US).</p> <p>(72) Inventors; and (75) Inventors/Applicants (for US only): BRYAN, Vincent [US/US]; Suite 110, 9655 SE 36th Street, Mercer Island, WA 98040-3732 (US). KUNZLER, Alex [US/US]; 50340 Spyglass Hill Drive, La Quinta, CA 92253 (US).</p> <p>(74) Agent: PARKHURST, Todd, S.; Hill &amp; Simpson, Sears Tower, 85th floor, 233 South Wacker Drive, Chicago, IL 60606 (US).</p>		<p>(81) Designated States: AE, AL, AM, AT, AU, AZ, BA, BB, BG, BR, BY, CA, CH, CN, CU, CZ, DE, DK, EE, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, JP, KE, KG, KP, KR, KZ, LC, LK, LR, LS, LT, LU, LV, MD, MG, MK, MN, MW, MX, NO, NZ, PL, PT, RO, RU, SD, SE, SG, SI, SK, SL, TJ, TM, TR, TT, UA, UG, US, UZ, VN, YU, ZA, ZW, ARIPO patent (GH, GM, KE, LS, MW, SD, SL, SZ, UG, ZW), Eurasian patent (AM, AZ, BY, KG, KZ, MD, RU, TJ, TM), European patent (AT, BE, CH, CY, DE, DK, ES, FI, FR, GB, GR, IE, IT, LU, MC, NL, PT, SE), OAPI patent (BF, BJ, CF, CG, CI, CM, GA, GN, GW, ML, MR, NE, SN, TD, TG).</p> <p><b>Published</b> With international search report.</p>
<p>(54) Title: <b>THREADED CYLINDRICAL MULTIDISCOID SINGLE OR MULTIPLE ARRAY DISC PROSTHESIS</b></p> <p>(57) Abstract</p> <p>A small profile, cylindrically shaped prosthetic disc device (10) is provided. The device housing is comprised of two longitudinally split hollow halves (20, 30), between which are contained multiple discoid shaped resilient bodies (41, 42) which may be of a polymeric type, or they may contain hydrogel. These bodies may lie in concave surfaces (51, 52) located on the interior of each side of the split cylindrical housing. The housing halves (20, 30) even under maximum physiological loads, do not contact one another directly. Threads on the exterior surface of the cylindrical housing facilitates insertion and retention in the prepared bone opening.</p> 		

*FOR THE PURPOSES OF INFORMATION ONLY*

Codes used to identify States party to the PCT on the front pages of pamphlets publishing international applications under the PCT.

AL	Albania	ES	Spain	LS	Lesotho	SI	Slovenia
AM	Armenia	FI	Finland	LT	Lithuania	SK	Slovakia
AT	Austria	FR	France	LU	Luxembourg	SN	Senegal
AU	Australia	GA	Gabon	LV	Latvia	SZ	Swaziland
AZ	Azerbaijan	GB	United Kingdom	MC	Monaco	TD	Chad
BA	Bosnia and Herzegovina	GE	Georgia	MD	Republic of Moldova	TG	Togo
BB	Barbados	GH	Ghana	MG	Madagascar	TJ	Tajikistan
BE	Belgium	GN	Guinea	MK	The former Yugoslav Republic of Macedonia	TM	Turkmenistan
BF	Burkina Faso	GR	Greece	ML	Mali	TR	Turkey
BG	Bulgaria	HU	Hungary	MN	Mongolia	TT	Trinidad and Tobago
BJ	Benin	IE	Ireland	MR	Mauritania	UA	Ukraine
BR	Brazil	IL	Israel	MW	Malawi	UG	Uganda
BY	Belarus	IS	Iceland	MX	Mexico	US	United States of America
CA	Canada	IT	Italy	NE	Niger	UZ	Uzbekistan
CF	Central African Republic	JP	Japan	NL	Netherlands	VN	Viet Nam
CG	Congo	KE	Kenya	NO	Norway	YU	Yugoslavia
CH	Switzerland	KG	Kyrgyzstan	NZ	New Zealand	ZW	Zimbabwe
CI	Côte d'Ivoire	KP	Democratic People's Republic of Korea	PL	Poland		
CM	Cameroon	KR	Republic of Korea	PT	Portugal		
CN	China	KZ	Kazakhstan	RO	Romania		
CU	Cuba	LC	Saint Lucia	RU	Russian Federation		
CZ	Czech Republic	LI	Liechtenstein	SD	Sudan		
DE	Germany	LK	Sri Lanka	SE	Sweden		
DK	Denmark	LR	Liberia	SG	Singapore		
EE	Estonia						

## SPECIFICATION

### TITLE

#### **THREADED CYLINDRICAL MULTIDISCOID SINGLE OR MULTIPLE ARRAY DISC PROSTHESIS**

5

This invention relates to the design and use of a unique disc prosthesis for the lumbar, thoracic and cervical spine.

U.S. Patent 5,674,296 is incorporated by reference.

### BACKGROUND OF THE INVENTION

10

Degenerative disc disease including disc herniation may produce disabling symptoms of local pain, radiculopathy or myelopathy in an otherwise clinically stable spine, which proves to be unresponsive to non-surgical treatment. Several surgical treatments are available to address the symptoms of degenerative disc disease when non-invasive therapies are not effective. These surgical treatments include decompression, discectomy and fusion. These treatments, and in particular the discectomy and fusion procedures, provide relief of clinical symptoms but they do not restore normal or near normal range of motion or cushioning to the affected functional spinal unit (FSU). This can result in acceleration of the degenerative process in spinal discs adjacent to the original surgical operation site. This degenerative process can, in turn, require additional surgical intervention.

20

Open surgery and endoscopic techniques are often used to provide access to the targeted intervertebral disc space. Posterior, postero-lateral, and anterior approaches allow placement of instrumentation to facilitate exposure of the degenerated disc and the insertion of bone grafts or fusion cages to accomplish bony fusion.

25

Because of anatomical structure considerations and instrument size restrictions associated with minimally invasive surgical techniques in the anterior spine, the insertion of a functional disc prosthesis equal in size to the natural disc creates risks due to mechanical interferences with critical vascular structures and may prevent safe insertion of the prosthesis.

30

A functional disc prosthesis which provides for a full range of motion of the FSU and for cushioning between two adjacent vertebrae while maintaining stability,

intervertebral body spacing and lordosis, is desirable, more specifically it is an object of the invention to provide a disc prosthesis having a small or narrow profile. The novel exemplary prosthesis is cylindrical in exterior shape, comprised of two longitudinally split halves. Each housing half is separated from the other at all times by disk shaped resilient bodies contained therein, and is strong enough to support the loads to which it shall be subjected during the activities of daily living. The housing contains multiple concave articulation recesses capable of mating with the discoid resilient bodies placed therebetween. The discoid bodies are of smaller diameter than the natural disc they replace, and are positioned in series in the shells or articulation recesses contained in the interior of the cylindrical housing. The cylindrical housing is threaded on its exterior for ease of introduction into, and mechanical stability in, a prepared space in the opposing vertebrae of the FSU. The housing is configured to fit the restrictions imposed by the limited anatomical space available for the surgical placement of the implant, and is small so as to utilize implantation procedures and instrumentation such as those used in an endoscopic procedure.

It is a further object of the invention to provide cylindrical housings of differing size, and resilient bodies contained within, so that when the cylindrically shaped prostheses units are used in parallel, they may facilitate proper positioning of opposing vertebrae.

Another object is to obviate the need for a second surgical site for bone graft harvesting.

And it is a further object of the invention to provide a sheath so as to completely surrounded and enclose the space occupied by the resilient bodies between the two cylindrical housing halves.

Still another object of the invention is to provide a disc prosthesis which will permit motion between the housing halves.

A further object of the intention is to provide a disc prosthesis which will provide for cushioning between the housing halves.

It is a still further object of the invention to provide a disc prosthesis which may be used alone or in parallel array with similar prostheses.

Other objects and advantages of the invention will become apparent to those skilled in the art upon reading the following detailed description and upon reference to the drawings. Throughout the drawings, like reference numerals refer to like parts.

5

#### DESCRIPTION OF THE DRAWINGS

Figure 1 is an isometric view of the novel disc prosthesis.

Figure 2 is a sectional view taken substantially in the plane of line 2-2 in figure

1.

Figure 3 is a sectional view taken substantially in the plane of line 3-3 in figure

10 2.

Figure 4 is an isometric view similar to figure 1 but showing an alternate embodiment of the invention.

Figure 5 is a sectional view taken substantially in the plane of line 5-5 in figure

4.

Figure 6 is a sectional view taken substantially in the plane of line 6-6 in figure

5.

Figure 7 is an isometric view of a lower half housing of the invention.

Figure 8 is a top plan view of the lower half housing shown in figure 7.

Figure 9 is a sectional view taken substantially in the plane of line 9-9 in figure

20 8.

Figure 10 is a sectional view taken substantially in the plane of line 10-10 in figure 9.

Figure 11 is a top plan view of a lower half housing similar to figure 8 but showing an alternate embodiment of the invention.

Figure 12 is a sectional view similar to figure 9 but taken substantially in the plane of line 12 - 12 in figure 11.

Figure 13 is an isometric view of the lower half housing shown in figures 11 and 12.

Figure 14 is a sectional view taken substantially in the plane of line 14 - 14 in figure 12.

While the invention will be described in connection with a preferred embodiment,

it will be understood that it is not intended to limit the invention to this embodiment. On the contrary, it is intended to cover all alternatives, modifications and equivalents as may be included within the spirit and scope of the invention as defined by the appended claims.

5           To accomplish the objectives set out above, the novel exemplary disc prosthesis 10 includes, as shown in figures 1 and 4, a cylindrical housing 20. The housing 20 includes an upper half housing 22 and a lower half housing 24. In the embodiment showed in figure 1, an upper fixator wing 26 is welded or otherwise associated with the upper half housing 22, and a lower fixator wing 28 is similarly welded or otherwise  
10 associated with the lower half housing 24. These wings 26, 28 can be used to stabilize the prosthesis to bone, as suggested in U.S. Patent 5,674,296. The wings 26, 28 can be omitted, as suggested in figures 4 - 14.

As particularly shown in figures 2, 3, 5 and 6, a plurality of resilient, viscoelastic discs 41, 42 are interposed between the upper half housing 22 and the lower half housing  
15 24 to maintain the housing halves separate from one another and to provide for a defined range of motion. Alternatively, the discs 41, 42 may be made of a suitable hydrogel. If desired, generally conical bosses or posts 29 can fit into recesses 33 formed in the discs 41, 42 to provide stability and limitation against excessive motion.

The housing 20 has an exterior surface 30 which bears a screw thread shape 31.  
20 This screw thread shape 31 is continuous, and is contiguous from housing half 22 to housing half 24 so that the disc prosthesis can be screwed into a pre-tapped intervertebral space hole formed within between two adjacent vertebrae as, for example, in the human spine. If desired, recesses 35 can be formed to permit bone ingrowth and further stabilization of the device. The housing 20 shape can be that of a right cylinder or it can  
25 be conical.

In accordance with one aspect of the invention, this small or thin profile prosthesis 10 can be created by placing more than one ovoid resilient prosthetic discs 41, 42 within a cylindrical housing 20 of metal, ceramic or polymeric material (the housing 20 having been separated into two halves 22, 24 longitudinally). This small device 10 can  
30 be implanted in the spine through a small surgical opening. One device 20 containing two or more discs 41, 42 may be used, or by placing two such devices 20 in parallel, each

containing two or more ovoid discs in series, a full range of motion of the functional spinal unit (FSU) can be achieved. If the discoid material possesses resilient, viscoelastic properties, with the housing being split or otherwise open on its sides with the internally placed ovoid discs maintaining the separation of the upper and lower housing members, a cushioning effect may also be realized. If desired, a flexible sheath or seal can be attached to the housing halves, as by a retaining wire or band, as suggested in U.S. Patent 5,674,296.

As suggested in figures 7 - 10, each ovoid disc 41, 42 may be surrounded by a concave surface 51, 52 formed or contained within the housing, and contoured to accept the upper and lower surface shape of each of the ovoid discs 41, 42 so that the housing comprising the two or more halves or paired shells 23, 24 may slide and/or rotate over the surface of the discs 41, 42 to provide for joint space separation and motion.

As suggested in figures 11-14, a single recess 61 can be provided to accommodate both discs 41, 42. If desired, posts 29 can be provided to limit disc - housing half relative motion.

As noted above, the exterior surface of the split housing 20 has a threaded formation so that it may be screwed into a pre-tapped hole of appropriate size at an intervertebral disc space. When properly screwed into place, the upper half of the threaded housing engages the cephalad vertebral bone inferior end plate and the other half 24 of the threaded housing engages the opposing superior end plate of the caudal vertebral bone when fully inserted. The ovoid discs 41, 42 and their respective concave surfaces in any one housing unit may be of differing size so as to allow for appropriate spinal column curvature, especially when inserted in the anterior/ posterior direction, or they may be the same size in any one housing but differ from the size of the discs in the second housing placed in parallel when inserted from a lateral direction.

The device may be inserted via open or minimally invasive techniques including endoscopy, or by a variety of known surgical approaches where adequate anatomical space is available. Though the prosthesis is inserted as a single threaded cylindrical unit, its final position is such that one half of the housing is left exclusively in contact with the end plate of one vertebral body and the other in the exclusive contact of the opposing vertebral body end plate. The discoid vertebral bodies between the cylindrical housing

halves contain two or more concave surfaces, allow movement by providing for sliding and rotating in multiple directions and cushioning in response to physiological loads placed upon them. When cylinders of different size are at used in parallel, intervertebral spacing can be varied to achieve desired vertebrae positional relationships.



CLAIM:

1. A disc prosthesis comprising, in combination, a cylindrical housing, the housing including an upper half and a lower half and a plurality of resilient, viscoelastic  
5 discs interposed between the upper half housing and the lower half housing to maintain the housing halves separate from one another.
2. A disc prosthesis according to claim 1 wherein said discs are ovoid in shape.
3. A disc prosthesis according to claim 1 wherein each disc is partly surrounded by a concave surface formed within said housing.
- 10 4. A disc prosthesis according to claim 1 wherein said housing has a threaded exterior surface bearing a screw thread shape.
5. A disc prosthesis according to claim 4 wherein said screw thread is continuous, and is contiguous from housing half to housing half so that the disc prosthesis can be screwed into a pre-tapped intervertebral space hole.
- 15 6. A disc prosthesis according to claim 1 wherein recesses are defined in said housing to permit bone ingrowth.
7. A disc prosthesis according to claim 1 including a wing member attached to each of the upper and the lower half housing members, the wings permitting the housing halves to be affixed to spinal vertebrae.
- 20 8. A disc prosthesis affixed within a human spine, the prosthesis comprising an upper half housing engaging the cephalad vertebral bone inferior end plate; a lower half housing engaging the caudal vertebral bone superior and plate; and a plurality of separate, resilient discs interposed between the housing halves.
9. A disc prosthesis according to claim 8 wherein each disc is partly surrounded  
25 by a concave surface formed within one of said housing halves.
10. A disc prosthesis according to claim 8 wherein each housing half has a threaded exterior surface.
11. A disc prosthesis comprising, in combination, a hollow cylindrical housing, the housing including two separate halves and at least one prosthetic disc located between  
30 the two housing halves.

12. A disc prosthesis according to claim 11 in which each housing half is at least partly defined, in its interior, by a concave surface.

13. A plurality of disc prostheses located within a human spine, each prosthesis comprising an upper half housing engaging a cephalad bone inferior end plate; a lower  
5 half housing engaging a caudal vertebral bone superior end plate; and at least one resilient disc interposed between each of the housing halves.

14. A plurality of disc prostheses according to claim 13, each prosthesis having a threaded exterior surface.

15. A plurality of disc prostheses according to claim 14 wherein each prosthesis  
10 has recesses defined in its exterior surface to permit bone ingrowth.

16. A viscoelastic prosthetic disc for use in a human spinal implant, the disc having viscoelastic properties similar to the natural biological disc found in the human spine, the prosthetic disc having convex external surfaces for sliding engagement with concave surfaces formed on the interior of rigid upper and lower half housings

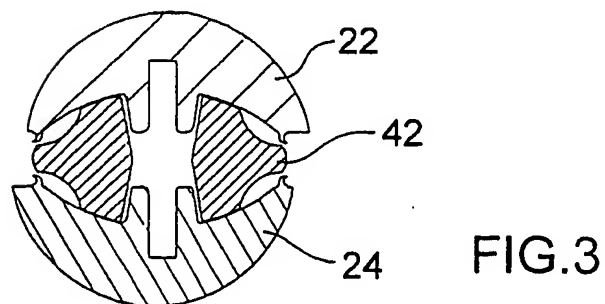
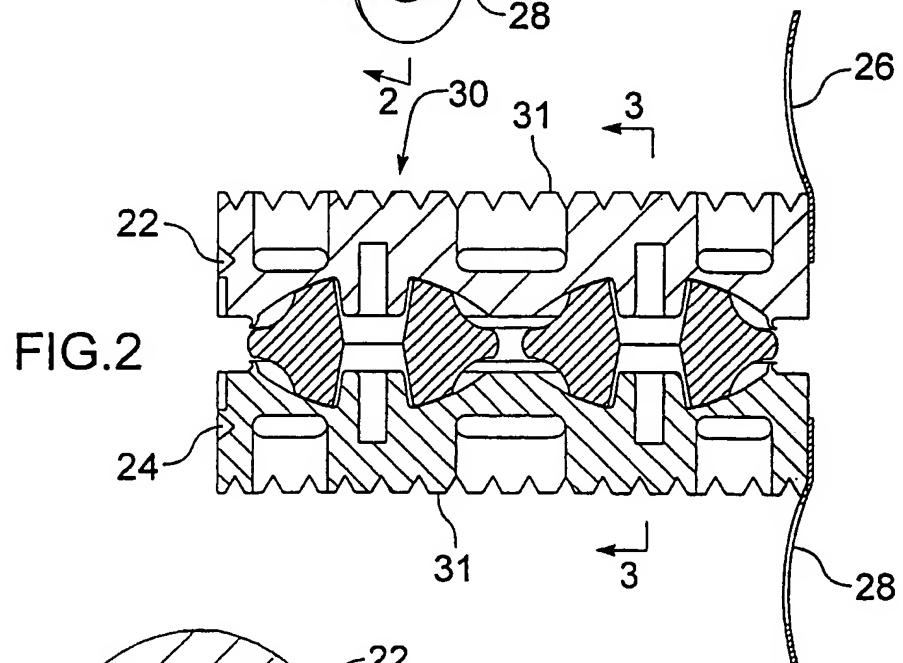
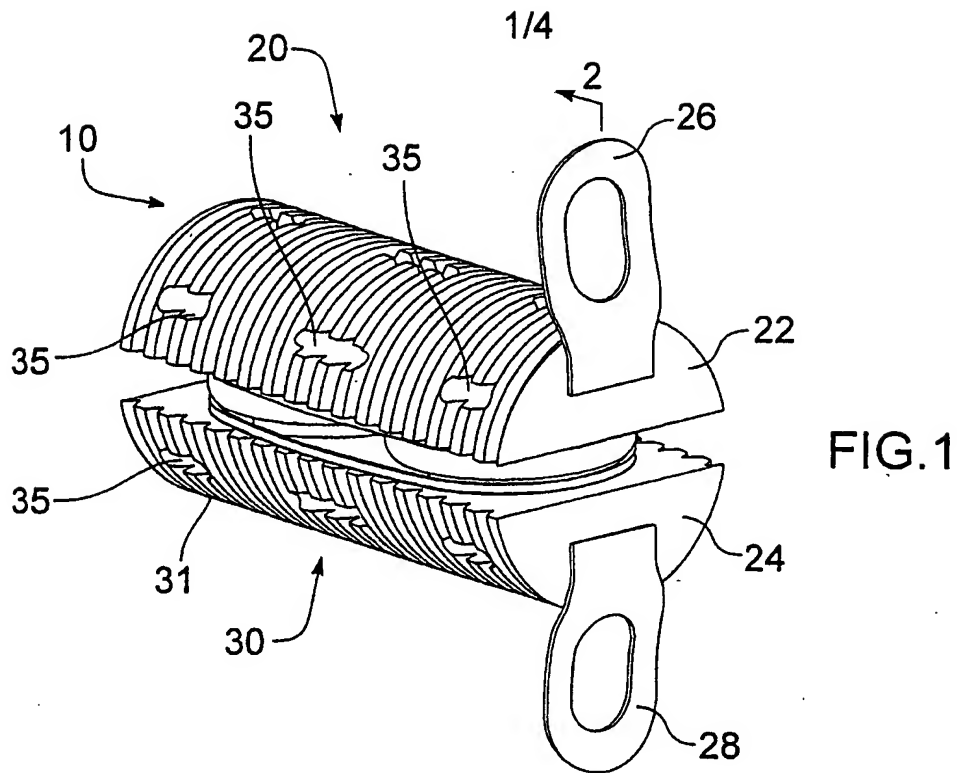
17. The disc of claim 16 wherein said disc has a relatively soft and resilient  
15 interior and a relatively hard and durable exterior.

18. A disc prosthesis comprising, in combination, a housing, the housing having an exterior surface defining a general continuous thread formation, the housing including at least two rigid, confronting and complimentary parts, the prosthesis further comprising  
20 at least one resilient, viscoelectric disc interposed between the housing parts to maintain the housing parts separate from one another but to provide cushioning between the housing parts and to permit limited motion from between the housing parts.

19. A disc prosthesis according to claim 18 wherein the housing thread is adapted to engage the bone of adjacent vertebral bodies.

20. A disc prosthesis according to claim 18 including a sheath attached to said  
25 housing halves.

21. A disc prosthesis according to claim 18 including a plurality of nuclei of different sizes.



2/4

FIG.5

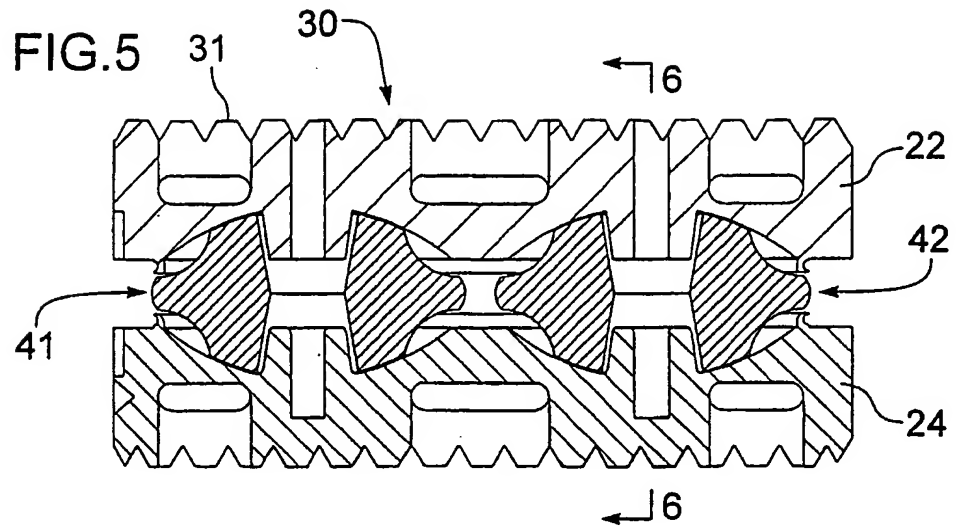


FIG.4

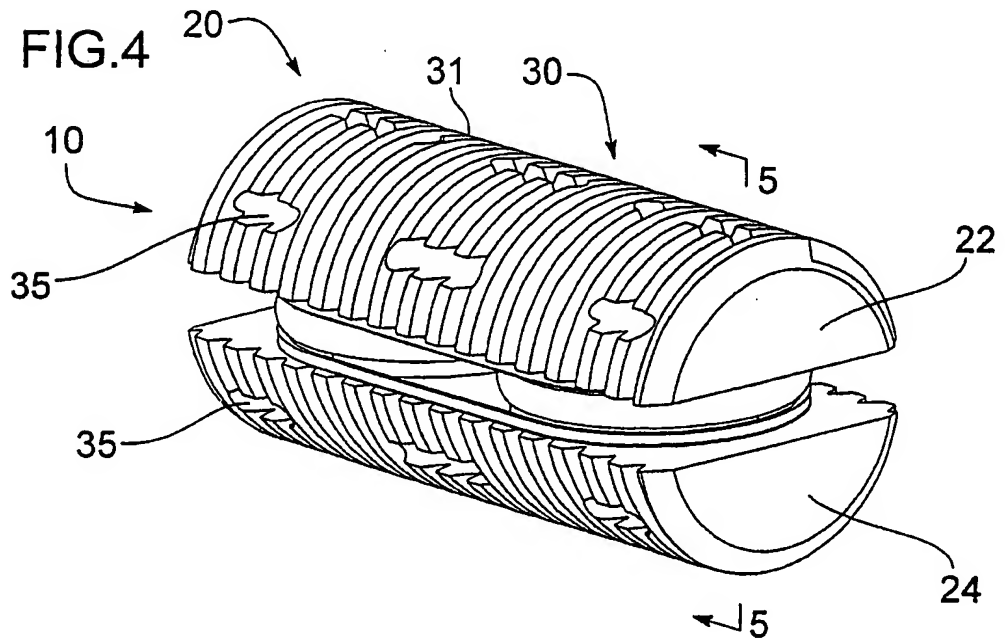
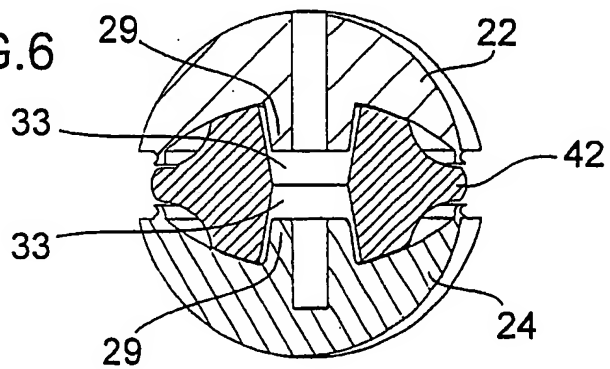


FIG.6



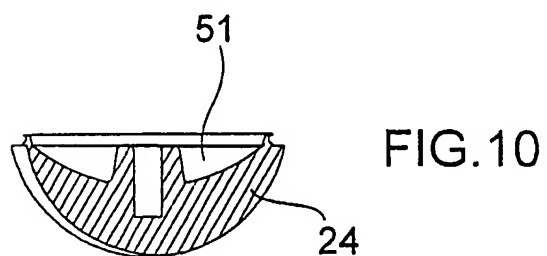
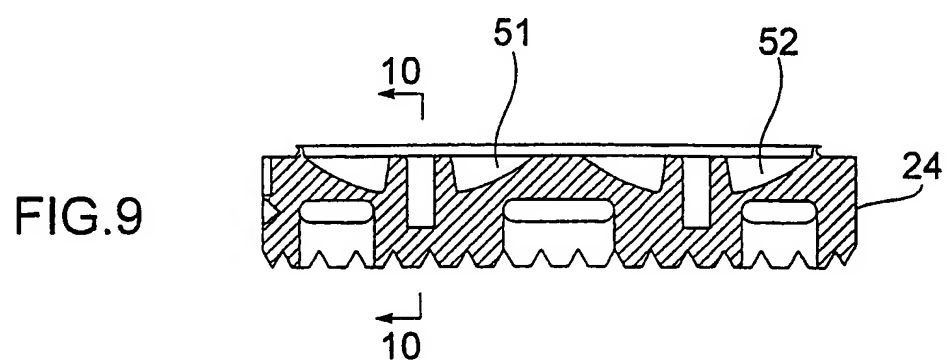
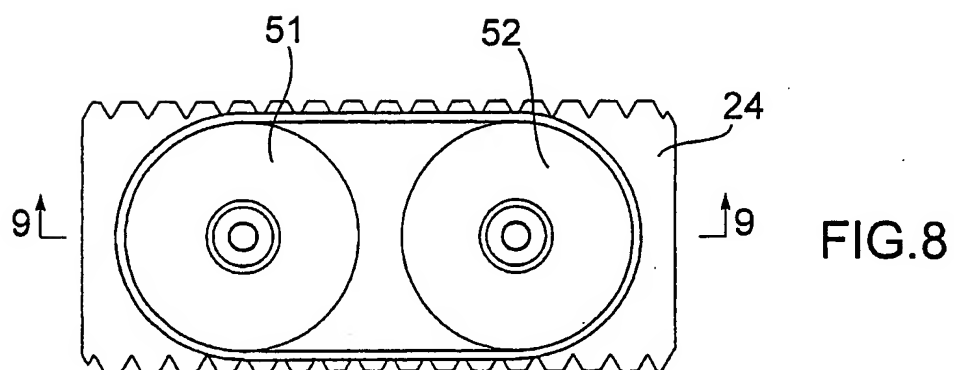
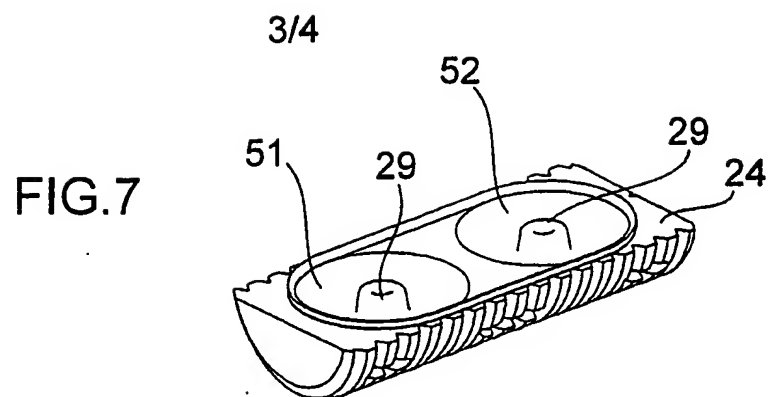


FIG.11

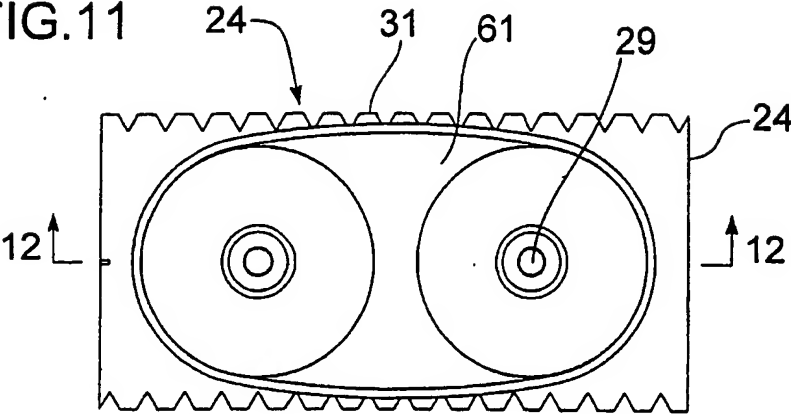


FIG.12

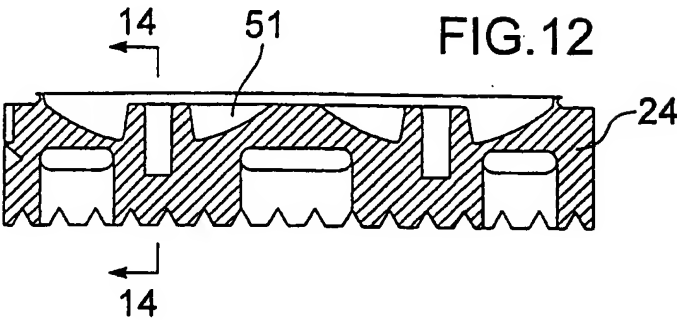


FIG.13

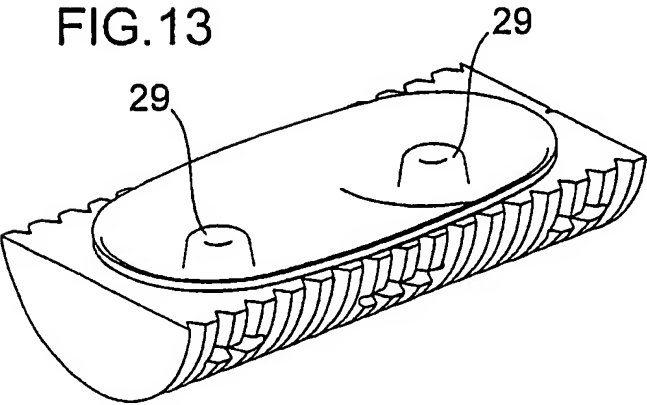
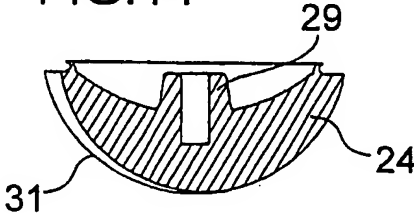


FIG.14



# INTERNATIONAL SEARCH REPORT

International application No.  
PCT/US99/16648

## A. CLASSIFICATION OF SUBJECT MATTER

IPC(6) : A61F 2/44

US CL : 623/17

According to International Patent Classification (IPC) or to both national classification and IPC

## B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

U.S. : 623/17

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)

WEST

## C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X -----E Y	US 5,928,284 A (MEHDIZADEH) 27 July 27 1999, Figs. 1 and 5 (the wings).	11, 13-19 ----- 1, 4-7
X	US 5,674,294 A (BAINVILLE et al) 07 October 1997, Fig. 2.	18, 21
X	US 5,674,296 A (BRYAN et al.) 07 October 1997, Fig. 3.	18, 20
X -----P Y	US 5,824,093 A (RAY et al.) 20 October 1998, Figs. 11a and 11b.	8 ----- 9, 10

☒ Further documents are listed in the continuation of Box C. ☐ See patent family annex.

* Special categories of cited documents:	*T* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
*A* document defining the general state of the art which is not considered to be of particular relevance	*X* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
*E* earlier document published on or after the international filing date	*Y* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art
*L* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)	*G* document member of the same patent family
*O* document referring to an oral disclosure, use, exhibition or other means	
*P* document published prior to the international filing date but later than the priority date claimed	

Date of the actual completion of the international search

21 OCTOBER 1999

Date of mailing of the international search report

18 NOV 1999

Name and mailing address of the ISA/US  
Commissioner of Patents and Trademarks  
Box PCT  
Washington, D.C. 20231

Facsimile No. (703) 305-3230

Authorized officer

ALVIN STEWART

Telephone No. (703) 305-0277

# INTERNATIONAL SEARCH REPORT

International application No.  
PCT/US99/16648

C (Continuation). DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
Y,P	US 5,865,848 A (BAKER) 02 February 1999, Fig. 1A.	10



**This Page is Inserted by IFW Indexing and Scanning  
Operations and is not part of the Official Record**

**BEST AVAILABLE IMAGES**

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

- ☐ BLACK BORDERS
- ☐ IMAGE CUT OFF AT TOP, BOTTOM OR SIDES
- ☒ FADED TEXT OR DRAWING
- ☒ BLURRED OR ILLEGIBLE TEXT OR DRAWING
- ☐ SKEWED/SLANTED IMAGES
- ☐ COLOR OR BLACK AND WHITE PHOTOGRAPHS
- ☐ GRAY SCALE DOCUMENTS
- ☐ LINES OR MARKS ON ORIGINAL DOCUMENT
- ☒ REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY
- ☐ OTHER: \_\_\_\_\_

**IMAGES ARE BEST AVAILABLE COPY.**

**As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.**